

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill No. 175, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 35-38-2.5-2.5 IS ADDED TO THE INDIANA
- 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2005]: Sec. 2.5. As used in this chapter,
- 5 "contract agency" means an agency or a company that contracts
- 6 with a community corrections program or a probation department
- 7 to monitor an offender or alleged offender using a monitoring
- 8 device.
- 9 SECTION 2. IC 35-38-2.5-3 IS AMENDED TO READ AS
- 10 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) As used in this
- 11 chapter, "monitoring device" means an electronic device that:
- 12 (1) ~~is limited in capability to the recording can record or~~
- 13 ~~transmitting of transmit~~ information **twenty-four (24) hours**
- 14 **each day** regarding an offender's:
- 15 (A) presence or absence from the offender's home; **and**
- 16 (B) **location while the offender is away from home;**
- 17 (2) is minimally intrusive upon the privacy of the offender or
- 18 other persons residing in the offender's home; ~~and~~
- 19 (3) with the written consent of the offender and with the written
- 20 consent of other persons residing in the home at the time an order
- 21 for home detention is entered, may record or transmit:

- 1 (A) ~~a visual images;~~ **image;**
- 2 (B) ~~oral or wire~~ **an electronic** communication or any ~~auditory~~
- 3 sound; or
- 4 (C) information regarding the offender's activities while inside
- 5 the offender's home;
- 6 **(4) can track the locations where the offender has been; and**
- 7 **(5) can notify a probation department, a community**
- 8 **corrections program, or a contract agency if the offender**
- 9 **violates the terms of a home detention order.**

10 **(b) The term includes any device that can reliably determine the**
 11 **location of an offender, including a device that uses a global**
 12 **positioning system satellite service.**

13 SECTION 3. IC 35-38-2.5-4.7 IS AMENDED TO READ AS
 14 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.7. As used in this
 15 chapter, "violent offender" means a person who is:

- 16 (1) convicted of an offense or attempted offense ~~except for an~~
- 17 ~~offense~~ under IC 35-50-1-2(a), IC 35-42-2-1, IC 35-42-2-1.3,
- 18 IC 35-43-1-1, IC 35-44-3-5, IC 35-45-10-5, IC 35-47-5-1
- 19 (repealed), or IC 35-47.5-5;
- 20 (2) charged with an offense or attempted offense listed in
- 21 IC 35-50-1-2(a), IC 35-42-2-1, IC 35-42-2-1.3, IC 35-42-4,
- 22 IC 35-43-1-1, IC 35-44-3-5, IC 35-45-10-5, IC 35-46-1-3,
- 23 IC 35-47-5-1 (repealed), or IC 35-47.5-5; or
- 24 (3) a security risk as determined under section 10 of this chapter.

25 SECTION 4. IC 35-38-2.5-10 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) Each probation
 27 department or community corrections program shall establish written
 28 criteria and procedures for determining whether an offender or alleged
 29 offender that the department or program supervises on home detention
 30 qualifies as a violent offender.

31 (b) A probation department or community corrections program shall
 32 use the criteria and procedures established under subsection (a) to
 33 establish a record keeping system that allows the department or
 34 program to quickly determine whether an offender or alleged offender
 35 who violates the terms of a home detention order is a violent offender.

36 (c) A probation department or a community corrections program
 37 charged by a court with supervision of offenders and alleged offenders
 38 ordered to undergo home detention shall provide all law enforcement
 39 agencies (including any contract agencies) having jurisdiction in the
 40 place where the probation department or a community corrections
 41 program is located with a list of offenders and alleged offenders under
 42 home detention supervised by the probation department or the

community corrections program. The list must include the following information about each offender and alleged offender:

- (1) The offender's name, any known aliases, and the location of the offender's home detention.
- (2) The crime for which the offender was convicted.
- (3) The date the offender's home detention expires.
- (4) The name, address, and telephone number of the offender's supervising probation or community corrections program officer for home detention.
- (5) An indication of whether the offender or alleged offender is a violent offender.

(d) Except as provided under section 6(1) of this chapter, a probation department or community corrections program charged by a court with supervision of offenders and alleged offenders ordered to undergo home detention shall, at the beginning of a period of home detention, set the monitoring device and surveillance equipment to minimize the possibility that the offender or alleged offender can enter another residence or structure without a violation.

(e) A probation department or community corrections program charged by a court with supervision of offenders and alleged offenders ordered to undergo home detention shall:

- (1) maintain or contract with a contract agency to maintain constant supervision of each offender and alleged offender; and**
- (2) have adequate staff available twenty-four (24) hours each day to respond if an offender or alleged offender violates the conditions of a home detention order.**

(f) A contract agency that maintains supervision of an offender or alleged offender under subsection (e)(1) shall notify the contracting probation department or community corrections program within one (1) hour if the offender or alleged offender violates the conditions of a home detention order. However:

- (1) a community corrections advisory board, if the offender is serving home detention as part of a community corrections program; or**
- (2) a probation department, if the offender or alleged offender is serving home detention as a condition of probation or bail; may shorten the time in which the contract agency must give notice of a home detention order violation.**

(g) A probation department or community corrections program may contract with a contract agency under subsection (e)(1) only if the contract agency can comply with subsection (f).

SECTION 5. IC 35-38-2.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) A probation department or community corrections program charged by a court with supervision of a violent offender placed on home detention under this chapter shall:

(1) cause a local law enforcement agency or contract agency described in section 10 of this chapter to be the initial agency contacted upon determining that the violent offender is in violation of a ~~court order~~ **for home detention order**;

~~(b) A probation department or community corrections program charged by a court with supervision of a violent offender placed on home detention under this chapter shall~~

(2) maintain constant supervision of the violent offender using a monitoring device and surveillance equipment ~~The supervising entity may do this by either:~~

~~(1) (A) using the supervising entity's equipment and personnel;~~
or

~~(2) (B) contracting with an outside entity;~~ **a contract agency;**
and

(3) have adequate staff available twenty-four (24) hours each day to respond if the violent offender violates the conditions of a home detention order.

(b) A contract agency that maintains supervision of a violent offender under subsection (a)(2) shall notify the contracting probation department or community corrections program within one (1) hour if the violent offender violates the conditions of a home detention order. However, a:

(1) community corrections advisory board, if the violent offender is serving home detention as part of a community corrections program; or

(2) probation department, if the violent offender is serving home detention as a condition of probation or bail;

may shorten the time in which the contract agency must give notice of a home detention order violation.

- 1 **(c) A probation department or community corrections program**
- 2 **may contract with a contract agency under subsection (a)(2) only**

- 1 **if the contract agency can comply with subsection (b).**
(Reference is to SB 175 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 10, Nays 0.

Senator Long, Chairperson